

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**MODIFIED CHAPTER 13 PLAN**

In Re: Randolph L. Gardner SSN: xxx-xx-6029

Dated: October 15, 2004  
Bkry Case No. 04-44883

DEBTOR

In a joint case, debtor means debtors in this plan.

**1. PAYMENTS BY DEBTOR -**

- a. As of the date of this plan, the debtor has paid the trustee \$450.00.
- b. After the date of this plan, the debtor will pay the trustee \$534.00 per month for 35 month, beginning November 2004 for a total of \$18,690.00.
- c. The debtor will also pay the trustee None.
- d. The debtor will pay the trustee a total of \$19,140.00 [line 1(a) + line 1(b) + line 1(c)].

**2. PAYMENTS BY TRUSTEE** - The trustee will make payments only to creditors for which proofs of claim have been filed, make payments monthly as available, and collect the trustee's percentage fee of 10% for a total of \$1,740.00 [line 1(d) x .10] or such lesser percentage as may be fixed by the Attorney General. For purposes of this plan, month one (1) is the month following the month in which the debtor makes the debtor's first payment. Unless ordered otherwise, the trustee will not make any payments until the plan is confirmed. Payments will accumulate and be paid following confirmation.

**3. PRIORITY CLAIMS** - The trustee shall pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates only. The trustee will pay the amounts actually allowed.

<i>Creditor</i>	<i>Estimated Claim</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. Attorney Fees	\$ 1,250.00	\$ 485.00	1	3	\$ 1,250.00
b.	\$	\$			\$
c.	\$	\$			\$
d.	\$	\$			\$
<b>e. TOTAL</b>					<b>\$ 1,250.00</b>

**4. LONG-TERM SECURED CLAIMS NOT IN DEFAULT** - The following creditors have secured claims. Payments are current and the debtor will continue to make all payments which come due after the date the petition was filed directly to the creditors. The creditors will retain their liens.

- a. Citifinancial Mortgage
- b.

**5. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5)]** - The trustee will cure defaults on claims secured only by a security interest in real property that is the debtor's principal residence as follows. The debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default. Remaining balances due under the modified plan.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a. Principal Residential	\$ 7,412.00	\$ 485.00	4	15	\$ 7,412.00
b.	\$	\$			\$
c.	\$	\$			\$
<b>d. TOTAL:</b>					<b>\$ 7,412.00</b>

**6. OTHER LONG-TERM SECURED CLAIMS IN DEFAULT [§ 1322 (b)(5)]** - The trustee will cure defaults (plus interest at the rate of 8 per cent per annum) on other claims as follows and the debtor will maintain the regular payments which come due after the date the petition was filed. The creditors will retain their liens. The amounts of default are estimates only. The trustee will pay the actual amounts of default. Remaining balances due under the modified plan.

<i>Creditor</i>	<i>Amount of Default</i>	<i>Monthly Payment</i>	<i>Beginning in Month #</i>	<i>Number of Payments</i>	<i>TOTAL PAYMENTS</i>
a.	\$	\$			\$
<b>b. TOTAL</b>					<b>\$ None</b>

7. **OTHER SECURED CLAIMS [§ 1325(a)(5)]** - The trustee will make payments to the following secured creditors having a value as of confirmation equal to the allowed amount of the creditor's secured claim using a discount rate of 8 percent. The creditor's allowed secured claim shall be the creditor's allowed claim or the value of the creditor's interest in the debtor's property, whichever is less. The creditors shall retain their liens. **NOTE: NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327 AND CONFIRMATION OF THE PLAN WILL BE CONSIDERED A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM UNDER 11 U.S.C. § 506(a).** Remaining balances due under the modified plan.

Creditor	Claim Amount	Secured Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a.	\$	\$	\$			\$
b.	\$	\$	\$			\$
c.	\$	\$	\$			\$
d.	\$	\$	\$			\$
e.	\$	\$	\$			\$
f. TOTAL						\$ None

8. **SEPARATE CLASS OF UNSECURED CREDITORS** - In addition to the class of unsecured creditors specified in ¶ 9, there shall be a separate class of nonpriority unsecured creditors described as follows: None

- a. The debtor estimates that the total claims in this class are \$ None
- b. The trustee will pay this class \$ None

9. **TIMELY FILED UNSECURED CREDITORS** - The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 5, 6, 7, and 8 their pro rata share of approximately \$8,738.00 [line 1(d) minus lines 2, 3(e), 5(d), 6(b), 7(f), and 8(b)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 7 are \$None.
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 7 and ¶ 8) are \$20,804.00.
- c. Total estimated unsecured claims are \$20,804.00 [line 9(a) | line 9(b)].

10. **TARDILY-FILED UNSECURED CREDITORS** - All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 5, 6, 7, 8, or 9 shall be paid to holders of nonpriority unsecured claims for which proofs of claim forms were tardily filed.

11. **OTHER PROVISIONS** - The trustee may distribute funds not allocated above at his discretion. The tax authorities including the federal government, state revenue and property taxes shall be paid per claim whether filed as priority or secured. The plan shall allow debtors current child support obligation to be paid through payroll deduction, and the back child support obligation shall be paid in full inside the plan. All child support debt classified as non-priority shall be paid in full by the Trustee, as a separate class. Upon the completion of payment of the secured portion of any claim, the property securing said claim shall vest in the debtor(s) free and clear of any lien, claim or interest of the secured creditor, and the secured creditor shall execute whatever documents necessary to release the lien on title to security. Debtor will make the regular monthly mortgage payment to Principal Residential for September 2004.

12. **SUMMARY OF PAYMENTS -**

Trustee's Fee [Line 2].....	\$	1,740.00
Priority Claims [Line 3(e)].....	\$	1,250.00
Home Mortgage Defaults [Line 5(d)].....	\$	7,417.00
Long-Term Debt Defaults [Line 6(b)].....	\$	None
Other Secured Claims [Line 7(f)].....	\$	None
Separate Class [Line 8(b)].....	\$	None
Unsecured Creditors [Line 9].....	\$	8,738.00
<b>TOTAL [must equal Line 1(d)].....</b>	<b>\$</b>	<b>19,140.00</b>

*Insert Name, Address, Telephone and License Number of Debtor's Attorney:*

Robert J. Hogleund #210997  
 P.O. Box 130938  
 Roseville, Minnesota 55113

(651) 628-9929

Signed /e/ **Randolf L. Gardner**  
 DEBTOR

Signed /e/  
 DEBTOR (if joint case)

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:  
Randolf L. Gardner,

Bkry Case No: 04-44883  
Chapter 13 Case

NOTICE OF MODIFICATION AND HEARING  
Debtor(s). ON CONFIRMATION OF CHAPTER 13 PLAN

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TO: ALL PARTIES IN INTEREST

PLEASE TAKE NOTICE that the debtor(s) modified the Chapter 13 Plan and the Hearing on Confirmation of Plan scheduled to be heard November 4, 2004 at 10:30 a.m. in United States Bankruptcy Court, Courtroom 7 West, 300 South Fourth Street, Minneapolis, Minnesota, will be continued to December 2, 2004 at 10:30 a.m. in United States Bankruptcy Court, Courtroom 7 West, 300 South Fourth Street, Minneapolis, Minnesota.

Dated: October 26, 2004

HOGLUND, CHWIALKOWSKI, GREEMAN & BERGMANIS, P.L.L.C.

Signed: /e/ Robert J. Hoglund

Robert J. Hoglund #210997  
Keith Chwialkowski #210134  
Marie F. Martin #287040  
Jeffrey J. Bursell #293362  
Attorney for Debtor(s)  
1611 West County Road B #106  
P.O. Box 130938  
Roseville, Minnesota 55113  
Telephone Number: (651) 628-9929

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:  
Randolf L. Gardner,

Bkry Case No: 04-44883  
Chapter 13 Case

**UNSWORN CERTIFICATE  
OF SERVICE**

Debtor(s).

I, Robin Nori, employed by Hogle, Chwialkowski, Greeman & Bergmanis, P.L.L.C., attorneys licensed to practice law in this Court, with office address of 1611 West County Road B, Suite 106, Roseville, Minnesota 55113, declare that on October 26, 2004, I served the Notice of Modification and Hearing on Confirmation of Plan, Modified Chapter 13 Plan, and an amended Schedule J, to each of the entities named below by mailing to each of them a copy thereof by enclosing the same in an envelope with first class mail postage prepaid and depositing the same in the post office in Roseville, Minnesota, addressed to each of the entities as follows:

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Ms. Jasmine Z. Keller  
Trustee in Bankruptcy  
12 South Sixth Street #310  
Minneapolis, Minnesota 55402

United States Trustee  
1015 United States Courthouse  
300 South Fourth Street  
Minneapolis, Minnesota 55415

Randolf L. Gardner  
18435 - 33rd Avenue North  
Plymouth, Minnesota 55447

all creditors/parties in interest listed on matrix (see attached)  
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And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: October 26, 2004

Signed: /e/ Robin Nori  
Paralegal

CITI FINANCIAL MORTGAGE  
PO BOX 9023  
DES MOINES IA 50368

INTERNAL REVENUE SERVICE  
STOP 5700  
316 N ROBERT ST  
ST PAUL MN 55101

MINNEGASCO  
PO BOX 1297  
MINNEAPOLIS MN 55472-0061

PRINCIPAL RESIDENTIAL MORTGAGE  
PO BOX 711  
DES MOINES IA 50303

STEWART ZLIMEN & JUNGERS  
430 OAK GROVE ST #200  
MINNEAPOLIS MN 55403

ANDREW P MORATZKA ATTY  
901 MARQUETTE AVE #1400  
MINNEAPOLIS MN 55402

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:  
Randolf L. Gardner,

Bankruptcy Case Number: 04-44883

**SIGNATURE DECLARATION**

Debtor(s).

- ( ) PETITION, SCHEDULES & STATEMENTS  
( ) CHAPTER 13 PLAN  
( ) SCHEDULES AND STATEMENTS ACCOMPANYING VERIFIED CONVERSION  
( X ) AMENDMENT TO PETITION/SCHEDULES/STATEMENTS/DOCUMENTS  
( X ) MODIFIED CHAPTER 13 PLAN/MOTION FOR HEARING  
( ) OTHER: (Please describe) \_\_\_\_\_  
( X ) VERIFICATION: I(We), debtor(s) named in the attached amended schedule(s),  
declare under penalty of perjury that the foregoing is true and correct.

I[We], the undersigned debtor(s) or authorized representative of the debtor(s),  
*make the following declarations under penalty of perjury:*

- The information I have given my attorney and provided in the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
- The information provided in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case is true and correct;
- [**individual debtors only**] If no Social Security Number is included in the "Debtor Information Pages" submitted as a part of the electronic commencement of the above-referenced case, it is because I do not have a Social Security Number;
- I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this signature Declaration and the completed "Debtor Information Pages," if applicable; and
- [**corporate and partnership debtors only**] I have been authorized to file this petition on behalf of the debtor.

Date: 10-20-04

X Randolf L Gardner  
Signature of Debtor or Authorized Representative

\_\_\_\_\_  
Signature of Joint Debtor

Randolf L. Gardner  
Printed Name of Debtor or Authorized Representative

\_\_\_\_\_  
Printed Name of Joint Debtor

HOGLUND, CHWIALKOWSKI, GREEMAN & BERGMANIS, P.L.L.C.

Signed: /e/ Robert J. Heglund  
Robert J. Heglund #210997  
1611 West County Road B, Suite 106  
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Telephone Number: (651) 628-9929